

REMARKSStatus of the Application

Claims 1-16 are pending. In the Sep. 19, 2008 final Office Action claims 1-11 were allowed and claims 15-16 were objected to. The Examiner stated that claim 15-16 would be allowable if rewritten in independent form. Claims 12-14 were rejected.

Applicant submitted a response to the Final Office Action on Sep. 28, 2008, canceling claims 12-14 and rewriting claim 15 to place it in independent form.

In an Advisory Action dated Jan. 29, 2009 the Examiner indicated that the proposed amendment would not be entered and appeared to reject the claims in view of a "reference relevant to the examination of this application [that] may soon become available." The Advisory Action also included a restriction requirement.

Applicant attempted to discuss the Advisory Action with the Examiner but did not submit a further written response. Consequently, a Notice of Abandonment was mailed on May 11, 2009.

Upon receipt of the Notice of Abandonment, Applicant spoke with the Examiner at length on May 19, 2009 about the Advisory Action. Applicant and the Examiner discussed the claimed invention and how it might be distinguished from the prior art. Applicant addressed the restriction requirement by explaining that the figures and claims were directed to a single species. The remainder of this response will address the issues raised in the Sep. 19, 2008 Final Office Action and Jan. 29, 2009 Advisory Action in light of the Examiner's comments and suggestions during the May 19 interview.

Section 102 Rejections

In the Sep. 19, 2008 final Office Action claims 12-14 were rejected under 36 U.S.C.

§102(b). In response, Applicant requests cancellation of these claims.

Allowed Claims

In the Sep. 19, 2008 Final Office Action the Examiner indicated that claims 1-11 were allowable. However, during the May 19, 2009 interview with Applicant the Examiner expressed concern about the allowability of claim 1, but suggested that claim 1 would be allowable if the claim were amended to include the limitation that the backboard was releasably attached to the lower cross bar and to include the further structure of a "release mechanism." Applicant has amended claim 1 as suggested by the Examiner, and submits that claim 1 and its dependent claims 2-10 are allowable.

Support for the claim 1 amendments is found in the specification as filed at paragraph 0037 and Figures 10 and 11.

Objected to Claims

In the Sep. 19, 2008 final Office Action claims 15 and 16 were objected to. Applicant has rewritten claim 15 in independent form so that it contains the limitations of original claim 15, base claim 12 and intervening claims 13, 14.

Restriction Requirement

The Advisory Action contained a restrictions requirement in which the Examiner asserted that the device of Figs. 1-3 and 7-11 is patentably distinct from the device of Figs. 12-14 and 16-18. As explained by the Applicant during the May 19, 2009 interview, there is only a single device described and claimed in the application. That device includes a backboard 22 that is releasably attached to a lower cross bar 18 and can be released from the lower cross bar by a

release mechanism such as the cammed handle 38 shown in Figures 10-11. Figures 1-3 and 7-11 show the device with the backboard attached to the lower cross bar, while Figures 12-14 and 16-18 show the device with the backboard 22 released from the lower cross bar 18 so that the device can be folded flat for storage. Applicant respectfully submits that the restriction requirement is traversed.

In the unlikely event that the restriction requirement is not traversed, applicant elects the species of Group II, Figs 12-14 and 16-18. Applicant submits that every pending claim is directed to this species.

Summary

It is believed that this paper constitutes a complete response to the Final Office Action mailed Sep. 19, 2008 and the Advisory Action dated Jan. 29, 2009, and an early and favorable action allowing claims 1-11 and 15-16 is respectfully requested. The Examiner is invited to telephone applicant's undersigned attorney if any unresolved matters remain.

Respectfully submitted,

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